



## Constitutional Authority Statements

January 5, 2012

*On January 5, 2011, the House adopted a new rule requiring that each bill or joint resolution introduced be accompanied by a Constitutional Authority Statement. RSC Staff have compiled the Statements for every bill and joint resolution introduced this Congress (3865 statements as of January 5, 2012). Selected findings are below:*

- ❖ 3 bills cite only the Preamble to the Constitution.
- ❖ 109 bills cite only Article 1, which creates the Legislative Branch.
- ❖ 69 bills cite only Article 1, Section 1, which grants Congress the power to legislate.
- ❖ 617 bills cite only Article 1, Section 8, which is the list of specific powers of Congress, without citing any specific clause.
- ❖ 660 bills cite only Article 1, Section 8, Clause 1, which grants Congress its taxing power and contains the “general welfare” and “common defense” language. 1050 bills in total cite Article 1, Section 8, Clause 1.
- ❖ 732 bills cite only Article 1, Section 8, Clause 3, the commerce clause. 1048 bills in total cite Article 1, Section 8, Clause 3.
- ❖ 321 bills cite Article 1, Section 8, Clause 18, the “necessary and proper” clause, without citing a “foregoing power” as required by Clause 18.
- ❖ 351 bills cite at least two of the “necessary and proper,” “commerce,” or “general welfare” Clauses.
- ❖ 116 bills cite Article 1, Section 9, Clause 7, which provides that no money shall be drawn from the Treasury, but in consequence of appropriations made by law.
- ❖ 248 bills cite Article 4, Section 3, which provides that Congress shall have the power to make rules and regulations respecting the territory or property of the United States.
- ❖ 346 bills cite an amendment to the Constitution. For example, 60 cite the 10<sup>th</sup> Amendment (powers not delegated to the federal government), 34 cite the 14<sup>th</sup> Amendment (“equal protection” etc.), and 71 cite the 16<sup>th</sup> Amendment (income tax).

***Please note: Some bills cite numerous sections of or amendments to the Constitution, and may be listed more than once above.***

Additional analyses of the Constitutional Authority Statements are available from RSC Staff at the request of an RSC office.

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